

ST. TAMMANY PARISH COUNCIL

ORDINANCE

ORDINANCE CALENDAR NO: 6324

ORDINANCE COUNCIL SERIES NO: \_\_\_\_\_

COUNCIL SPONSOR: LORINO/COOPER

PROVIDED BY: CIVIL DIVISION ADA

INTRODUCED BY: MR. STEFANCIK

SECONDED BY: MS. O'BRIEN

ON THE 6 DAY OF FEBRUARY , 2020

ORDINANCE AUTHORIZING THE PARISH OF ST. TAMMANY, THROUGH THE OFFICE OF THE PARISH PRESIDENT, TO ACQUIRE CERTAIN PARCEL(S), RIGHTS(S) OF WAY AND/OR SERVITUDE(S) FOR THE FRITCHIE MARSH RESTORATION PROJECT (WARD 8, DISTRICT 14)

WHEREAS, Parish is undertaking its Fritchie Marsh Hydrologic Restoration Project (the "Project"), which is designed to improve the ability of the W-14 Canal to convey stormwater into Fritchie Marsh; and

WHEREAS, as part of the Project, Parish has determined that construction of a storage pond connected to the W-14 Canal near Fremaux and Daney Streets would reduce flooding and improve hydrology by lowering the water surface elevations of the W-14 Canal;

WHEREAS, Parish has entered into a Cooperative Endeavor Agreement with Robert Levis Development, LLC and Stirling-Levis 2, LLC to provide for matters regarding access upon and usage of property for pond excavation, future use and expansion, all of which shall be detailed in a servitude agreement to be confected; and

WHEREAS, a survey of the property identified for the pond is attached hereto.

THE PARISH OF ST. TAMMANY HEREBY ORDAINS: that the Parish of St. Tammany, through the Office of the Parish President, is authorized to acquire by purchase, donation or otherwise, all or parts of those proposed parcel(s), right(s) of way and/or servitude(s) described and depicted in the Exhibit attached hereto (the "Property"); and

BE IT FURTHER ORDAINED: that pursuant to all applicable provisions of law, the Office of the Parish President is directed and authorized to do whatever is necessary to acquire said Property; and

BE IT FURTHER ORDAINED: that the Office of the Parish President is authorized and instructed to proceed with the acquisition of the Property in a timely and orderly manner; and

BE IT FURTHER ORDAINED: that the Office of the Parish President is authorized to exercise its discretion in acquiring the Property, together with all agreements and all transactions necessary to carry out the intent of this Ordinance; and

BE IT FURTHER ORDAINED: that, if purchased, the purchase price shall not exceed the fair market value of the Property as evidenced by an appraisal obtained or supplied to the Parish, plus fees and costs; and

BE IT FURTHER ORDAINED: that any and all actions previously taken by the Office of the Parish President in furtherance of the actions contemplated herein are ratified and accepted accordingly.

REPEAL: All ordinances or parts of Ordinances in conflict herewith are hereby repealed.

SEVERABILITY: If any provision of this Ordinance shall be held to be invalid, such invalidity shall not affect other provisions herein which can be given effect without the invalid provision and to this end the provisions of this Ordinance are hereby declared to be severable.

EFFECTIVE DATE: This Ordinance shall become effective fifteen (15) days after adoption.

MOVED FOR ADOPTION BY: \_\_\_\_\_SECONDED BY: \_\_\_\_\_

WHEREUPON THIS ORDINANCE WAS SUBMITTED TO A VOTE AND RESULTED IN THE FOLLOWING:

YEAS: \_\_\_\_\_

NAYS: \_\_\_\_\_

ABSTAIN: \_\_\_\_\_

ABSENT: \_\_\_\_\_

THIS ORDINANCE WAS DECLARED DULY ADOPTED AT A REGULAR MEETING OF THE PARISH COUNCIL ON THE 5 DAY OF MARCH , 2020 ; AND BECOMES ORDINANCE COUNCIL SERIES NO \_\_\_\_.

\_\_\_\_\_  
MICHAEL R. LORINO, JR. , COUNCIL CHAIRMAN

ATTEST:

\_\_\_\_\_  
THERESA L. FORD, COUNCIL CLERK

\_\_\_\_\_  
MICHAEL B. COOPER, PARISH PRESIDENT

Published Introduction: JANUARY 29 , 2020

Published Adoption: \_\_\_\_\_, 2020

Delivered to Parish President: \_\_\_\_\_, 2020 at \_\_\_\_\_

Returned to Council Clerk: \_\_\_\_\_, 2020 at \_\_\_\_\_

### **Ordinance Administrative Comment**

ORDINANCE AUTHORIZING THE PARISH OF ST. TAMMANY, THROUGH THE OFFICE OF THE PARISH PRESIDENT, TO ACQUIRE CERTAIN PARCEL(S), RIGHTS(S) OF WAY AND/OR SERVITUDE(S) FOR THE FRITCHIE MARSH RESTORATION PROJECT (WARD 8, DISTRICT 14)

St. Tammany Parish seeks to acquire by donation a pond servitude agreement comprising the property shown in the attached survey, all as pursuant to a Cooperative Endeavor Agreement executed between the Parish and the property owners. In exchange for the contemplated donation, the CEA obligates Parish to excavate at least an agreed-upon amount of material and reserves the right of the property owners to further expand the pond as may be needed by owners for future development.

